

DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on February 24, 2004.
2. Claims 1-17 are currently pending and have been examined.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show “integrated circuit (IC) chip”, along with the protection bit, as described in the specification at page 14 of the specification line 25. This integrated circuit (IC) chip is structural and is required for a proper understanding of the disclosed invention as the information storage medium has write capabilities because of the integrated circuit (IC) chip.
4. The drawings are objected to under 37 CFR 1.83(a) because they fail to show “integrated circuit (IC) chip”, along with the protection bit, as incorporated into a wireless i.d. tag as described in the specification at page 14 of the specification lines 23- 25. This integrated circuit (IC) chip is structural and is required for a proper understanding of the disclosed invention as the information storage medium has write capabilities because of the integrated circuit (IC) chip.
5. The drawings are objected to under 37 CFR 1.83(a) because they fail to show “integrated circuit (IC) chip”, along with the protection bit, as incorporated into a wireless i.d. tag, specifically a two-dimensional bar code as described in the specification at page of the specification lines 31- 32. This integrated circuit (IC) chip is structural and is part of a wireless ID tag, of which a two-dimensional bar code is disclosed, and the

relationship between the two is required for a proper understanding of the disclosed invention.

6. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.

8. Claims 14-17 disclose an information processing terminal comprising an information reader as in claim 14, an information transmitter as in claim 14, a

transmission determination unit as in claim 15, an information receiver for receiving the product ID information from a retail terminal of a retail store at a time of checkout as in Claim 16, and a transmission determination unit for allowing the information transmitter to transmit the product ID information only when product ID information identical to the product ID information received has arrived from the retail terminal before the information reader reads the product ID information as in Claim 16, however these claimed features are not shown in the drawings.

9. Therefore, the information processing terminal comprising an information reader as in claim 14, an information transmitter as in claim 14, a transmission determination unit as in claim 15, an information receiver for receiving the product ID information from a retail terminal of a retail store at a time of checkout as in Claim 16, and a transmission determination unit for allowing the information transmitter to transmit the product ID information only when product ID information identical to the product ID information received has arrived from the retail terminal before the information reader reads the product ID information as in Claim 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

10. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Read-permission information is unclear. Further explanation is required as to the purpose of Read-permission. For example, Claim 15 may be amended for clarification purposes to read "...only when the information read from the information storage media by the information reader includes read-permission information so as to allow the product ID information to be read."

13. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "A transmission determination unit for allowing the information transmitter to transmit the product ID information only when product ID

information identical to the product ID information received has arrived from the retail terminal before the information reader reads the product ID information” is unclear and illogical. Examiner does not understand what is trying to be claimed. A condition has been stated, "only when," however it is unclear as to when the product ID information is received and as to what device is receiving the product ID information. The word identical indicates a comparison occurs. It is unclear as to what device conducts the comparison and exactly what it is comparing. The sequence of events and or conditions is confusing.

14. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 attempts to claim "...a customer information receiver for receiving the product ID information which is identically obtained from both the retail terminal and the information storage media," however it is unclear what is meant by "identically obtained from both the retail terminal and the information storage media."

Identically indicates that a comparison is made and the device that conducts such comparison is unclear. It is also unclear as to which device obtains the identical product ID information from both the retail terminal and the information storage media before the customer information receiver receives such identical product ID information.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

16. **Claims 13, 14, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Zuiff et al, WO 00/05668.**

17. **As per claim 13**, Zuiff et al teaches a system for collecting marketing information enabling a product provider to gather marketing information and offer incentives for the marketing information, comprising: information storage media, with a product, storing at least product identification (ID) information identifying the product; (Zuiff et al, Figs 1 - 6 and at page 10, lines 25-27 "A Universal Product Code (UPC) tag 34 comprises machine readable code such as one-dimensional code, which typically provides manufacturer and product identification information.") a retail terminal comprising: a first information reader for reading the information from the information storage media; (Zuiff et al, Figs. 1-6 kiosk at point of sale, PC, or other computer and Zuiff et al, pg 5, lines 18-22, "Once inside the kiosk, the consumer scans a machine-readable symbol (e.g. a bar code) on one or more tags affix to the product such as a pair of shoes (or on a symbol embedded on the product itself) using the scanner 12 connected to the personal computer 14) and an ID information transmitter for transmitting the product ID information read from the information storage media at a time of checkout; (Zuiff et al Figs. 1-6, kiosk at point of sale, PC, or other computer and Zuiff et al page 3 lines 24-27 "Consumer data comprising the merchandise data and demographic data is transmitted via the Internet to a data management center for storage, collation, analysis and distribution.") a product provider server comprising: a customer information receiver for receiving the product ID information which is identically obtained from both the retail

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terminal and the information storage media , and customer information on a customer purchasing the product, from a customer terminal of the customer; (Zuiff et al, Fig. 1- 6, data management center, and p. 6 lines 1-4, “Consumer data comprising the merchandise data and demographic data is transmitted via a computer link such as the Internet 30 to a data management center 28 for storage, collation, analysis and distribution” and Zuiff et al, pg 7 lines 8-11, the data management center 28 collects, processes, analyzes, markets, distributes or resells or makes the consumer data available to interested parties or entities such as the manufacturer) and an information management unit for storing the product ID information received and the customer information received in a relational structure, and for managing a provision status of incentives offered to the customer (Zuiff et al, Fig. 1-6, data management center, particularly Fig.3 monitor, record, process, analyze, distribute merchandise data, demographic data, incentive data).

18. **As per claim 14**, Zuiff et al teaches an information processing terminal for transmitting marketing information to a product provider after purchase of a product, comprising: an information reader (Zuiff et al, Figs 1-6, kiosk at point of sale, scanner, PC, or other computer) for reading information from information storage media of the product, which unit stores at least product identification (ID) information identifying the product media (Zuiff et al, Figs. 1-6 kiosk at point of sale, PC, or other computer, internet, data management center and Zuiff et al, pg 5, lines 18-22, “Once inside the kiosk, the consumer scans a machine-readable symbol (e.g. a bar code) on one or more tags affix to the product such as a pair of shoes (or on a symbol embedded on the

product itself) using the scanner 12 connected to the personal computer 14); and an information transmitter (...kiosk at point of sale... Zuiff et al, Figs 1-6) for transmitting the product ID information together with customer information on a customer purchasing the product, to a server of the product provider (Consumer data comprising the merchandise data and demographic data is transmitted via a computer link such as the Internet 30 to a data management center 28 for storage, collation, analysis and distribution, Zuiff et al p.6 In 1-4, and Zuiff et al Figs 1-6, kiosk at point of sale, PC, or other computer).

19. **As per claim 15**, Zuiff et al teaches the information processing terminal according to claim 14 as stated above and teaches further comprising a transmission determination unit (...kiosk at point of sale... Zuiff et al Figs 1-6) for allowing the information transmitter (...kiosk at point of sale... Zuiff et al Figs 1-6) to transmit the product ID information (Consumer data comprising the merchandise data (product ID information) and demographic data is transmitted via a computer link such as the Internet 30 to a data management center 28 for storage, collation, analysis and distribution, Zuiff et al p.6 In 1-4, and Zuiff et al Figs 1-6, kiosk at point of sale, PC, or other computer, data management center)

20. **As per claim 16**, Zuiff et al teaches the information processing terminal according to claim 14 as stated above, Zuiff et al further teaches further comprising: an information receiver (Zuiff et al, Figs 1-6, data management center) for receiving the product ID information from a retail terminal of a retail store at a time of checkout (Zuiff et al Figs. 1-6, kiosk at point of sale, PC, or other computer and Zuiff et al page 3 lines

24-27 "Consumer data comprising the merchandise data and demographic data is transmitted via the Internet to a data management center for storage, collation, analysis and distribution."; and a transmission determination unit for allowing the information transmitter to transmit the product ID information only when product ID information identical to the product ID information received has arrived from the retail terminal before the information reader reads the product ID information (Zuiff et al, Fig. 1- 6, kiosk at point of sale, PC, or other computer, internet, data management center, and p. 6 lines 1-4, "Consumer data comprising the merchandise data and demographic data is transmitted via a computer link such as the Internet 30 to a data management center 28 for storage, collation, analysis and distribution" and Zuiff et al, pg 7 lines 8-11, the data management center 28 collects, processes, analyzes, markets, distributes or resells or makes the consumer data available to interested parties or entities such as the manufacturer).

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: Determining the scope and contents of the prior art; Ascertaining the differences between the prior art and the

claims at issue; Resolving the level of ordinary skill in the pertinent art and Considering objective evidence present in the application indicating obviousness or nonobviousness.

23. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

24. **Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zuiff et al, WO 00/05668, and in view of Hind et al., US 2002/0116274.**

25. **As per Claim 1**, Zuiff et al teaches a system for collecting marketing information enabling a product provider to gather marketing information and offer incentives for the marketing information, comprising: information storage media, with a product, storing at least product identification (ID) information identifying the product; (Zuiff et al, Figs 1 – 6, and at Zuiff et al page 10, lines 25-27 “A Universal Product Code (UPC) tag 34 comprises machinereadable code such as one-dimensional code, which typically provides manufacturer and product identification information.”) a retail terminal comprising an information writer for writing read-permission information in the information storage media at a time of checkout so as to allow the product ID information to be read (Zuiff et al, Fig. 1-6, kiosk at point of sale, PC, or other computer

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and Zuiff et al, p. 3 lines 21-23 "Scanning the bar code associated with the merchandise provides the personal computer with merchandise data"); and a product provider server comprising: a customer information receiver for receiving the product ID information read from the information storage media and customer information on a customer purchasing the product from a customer terminal of the customer (Zuiff et al, Fig. 1- 6, data management center and Zuiff et al, p. 6 lines 1-4, "Consumer data comprising the merchandise data and demographic data is transmitted via a computer link such as the Internet 30 to a data management center 28 for storage, collation, analysis and distribution" and Zuiff et al, pg 7 lines 8-11, the data management center 28 collects, processes, analyzes, markets, distributes or resells or makes the consumer data available to interested parties or entities such as the manufacturer); and an information management unit for storing the product ID information received and the customer information received in a relational structure and for managing a provision status of incentives offered to the customer who provided the product ID information and the customer information (Zuiff et al, Fig. 1-6 data management center, particularly Fig.3 monitor, record, process, analyze, distribute merchandise data, demographic data, incentive data).

26. Zuiff et al does not expressly teach a retail terminal comprising an information writer for writing (read-permission) information in the information storage media at a time of checkout so as to allow the product ID information to be read.

27. However, Hind et al teaches a retail terminal (...point of sale terminal..., Hind et al par 36) comprising an information writer (...tag reader/writer..., Hind et al par 36) for

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writing (...overwrites the tracking information with the tag reader/writer..., Hind et al par 36) read-permission information in an information storage media (...RFID..., Hind et al par 35) at a time of checkout (...the customer brings the product to a point-of-sale terminal..., Hind et al par 36) so as to allow the product ID information to be read (...so as to signify that the product has been purchased... Hind et al par 36). See additionally Hind et al par 29, 31, 32, and 37.

28. **Therefore**, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Hind's teachings into the teachings of Zuiff et al so as to insert or mount a (RFID) tag, instead of the regular storage medium containing at least a product ID, into the product packaging, wherein the tag has incorporated or stored therein product ID (UPC), the name of the featured product, pricing information, serial number, inventory tracking information, an incentive status and any type of data a merchant or manufacturer may choose to include and to use a tag reader/writer at the POS or checkout to read the product ID from the inserted tag and the inventory tracking information when the said product is presented by a customer for purchase and the checkout tag reader/writer overwrites the tracking information stored in the inserted tag (storage medium) at the conclusion of the transaction, **thereby** reducing fraudulent activities that are often associated with any incentive distribution and redemption system by preventing a dishonest individual, who may obtain a product without purchasing it, to improperly receive an incentive related to the product upon scanning by the individual using a scanner the product UPC code (information storage media) or manually entering the alpha-numeric characters printed thereon using an input device

coupled to the store kiosk or a home computer (transmitter) and transmitting to a remote central computer system the product information including the tracking information (inventory information) and the central computer system (facility) is operable to determine that the product tracking information received from the individual is the original tracking information and the POS terminal did not over-write it using the attached tag reader/writer and in the end, the individual would not receive the associated incentive since he did not buy the featured product as required by the manufacturer or vendor.

29. **As per claim 2**, Zuiff et al in view of Hind et al teaches the system of claim 1 as described above and Zuiff et al further teaches The system according to claim 1, wherein the product provider server (Zuiff et al, Fig. 1- 6, data management center, and p. 6 lines 1-4, "Consumer data comprising the merchandise data and demographic data is transmitted via a computer link such as the Internet 30 to a data management center 28 for storage, collation, analysis and distribution") further comprises an incentive transmitter for transmitting electronic data with an incentive to an address specified by the customer who provided the product ID information and the customer information. (prepare and transmit incentive data, Zuiff et al, Fig. 3 and also Zuiff et al, pg 8 lines 30-31, "transmit that incentive data to the apparatus via the Internet" and also Zuiff et al, pg 6 lines 8-10, In exchange for the burden of scanning the product and completing the registration form, the consumer is provided the benefit of playing a game on the personal computer and also Zuiff et al, Figs 1-6, data management center)

30. **As per claim 3**, Zuiff et al in view of Hind et al teaches the system of claim 2 as described above while Zuiff et al further teaches the system according to claim 2, wherein in the product provider server (Zuiff et al, Figs 1-6, data management center) the incentive transmitter transmits the electronic data with the incentive to the address immediately after receiving the product ID information and the customer information from the customer information receiver. (prepare and transmit incentive data, Zuiff et al, Figs. 2-3, also Zuiff et al pg 3 line 29—pg 4 line 2, In further accordance with the present invention, the consumer is provided the benefit of playing a game on the personal computer in exchange for the burden of scanning the shoes and completing the registration form. Upon receipt of the consumer data optionally including the results or outcome of the game via the Internet, the data management center provides the apparatus with incentive data via the Internet. And also Zuiff et al Figs 1-6, data management center)

31. **As per claim 4**, Zuiff et al in view of Hind et al teaches the system of claim 1 as described above while Zuiff et al further teaches the system of claim 1, wherein in the product provider server (Zuiff et al, Figs 1-6, data management center) the customer information receiver receives personal information on the customer as the customer information together with the product ID information. (Zuiff et al Figs. 1-6 data management center and Zuiff et al page 3 lines 24-27 “Consumer data comprising the merchandise data and demographic data is transmitted via the Internet to a data management center for storage, collation, analysis and distribution.”)

32. **As per claim 5**, Zuiff et al in view of Hind et al teaches the system of claim 1 as described above while Zuiff et al further teaches the system according to claim 1, wherein in the product provider server: the information management unit stores personal information on the customer registered in advance, and customer ID information for identifying the customer in a relational structure; and the customer information receiver receives the customer ID information as the customer information which is notified to the customer after customer registration. (monitor, record, process, analyze consumer data, Zuiff et al, Figs. 2-3, and prepare and transmit incentive data, Zuiff et al, Figs. 2-3, also Zuiff et al pg 3 line 29—pg 4 line 2, “In further accordance with the present invention, the consumer is provided the benefit of playing a game on the personal computer in exchange for the burden of scanning the shoes and completing the registration form. Upon receipt of the consumer data optionally including the results or outcome of the game via the Internet, the data management center provides the apparatus with incentive data via the Internet.” And Zuiff et al, pg 6, lines 18-23, “The incentive can be offered to the consumer as printed material from the laser printer 22 (eg the coupon), as an IDENTIFICATION or loyalty card, or as visual and/or audible information, informing the consumer where she can enter her registered information or an identification code for further incentives” and Zuiff et al, Figs 1-6 data management center)

33. **As per claim 6**, Zuiff et al in view of Hind et al teaches the system of claim 1, as described above while Zuiff et al further teaches the system according to claim 1, wherein in the retail terminal (Zuiff et al, Figs 1-6, kiosk at point of sale, PC, or other

computer) the information writer further stores store information on a retail store selling the product in the information storage media and wherein in the product provider server (Zuiff et al, Figs 1-6, data management center) the customer information receiver receives the store information read from the information storage media, together with the product ID information and the customer information. (merchandise data, Zuiff et al, Figs. 1-6, data management center, particularly Figure 5, serial number of article/store id/selling price/arrival date in store and Zuiff et al page 5 lines 22-27, "The scanning of the symbol such as a bar code associated with the shoes provides the personal computer 14 with merchandise-specific data such as the manufacturer, style, product designation, model, size, store purchased, and date of the purchase as well as any other information encoded on the tags.")

34. **As per claim 7**, Zuiff et al in view of Hind et al teaches the system of claim 1, as described above while Zuiff et al further teaches the system according to claim 1, wherein in the retail terminal (Zuiff et al, Figs 1-6, Kiosk at point of sale, PC, or other computer) the information writer further stores sold date and time information of the product in the information storage media and wherein in the product provider server (Zuiff et al, Figs 1-6, data management center) the customer information receiver receives the sold date and time information read from the information storage media, together with the product ID information and the customer information. (merchandise-specific data, Zuiff et al, Figs. 1-6, and Zuiff et al page 5 lines 22-27, "The scanning of the symbol such as a bar code associated with the shoes provides the personal computer 14 with merchandise-specific data such as the manufacturer, style, product

designation, model, size, store purchased, and date of the purchase as well as any other information encoded on the tags.”)

35. **As per claim 8**, Zuiff et al in view of Hind et al teaches the system of claim 1, as described above while Zuiff et al further teaches the system according to claim 1, wherein the information storage media is a wireless ID tag. (Zuiff et al, pg 11, line 22, “embossed” and Zuiff et al, page 3, line 20, “or bar code on one or more tags AFFIXED to the merchandise”)

36. **Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zuiff et al, WO 00/05668.**

37. **As per claim 9**, Zuiff et al teaches a system for collecting marketing information enabling a product provider to gather marketing information and offer incentives for the marketing information, comprising: information storage media, with a product, storing at least product identification (ID) information identifying the product; (Zuiff et al, Figs 1 - 6 and at page 10, lines 25-27 “A Universal Product Code (UPC) tag 34 comprises machinereadable code such as one-dimensional code, which typically provides manufacturer and product identification information.”); a retail terminal comprising: an information reader for reading the information from the information storage media (Zuiff et al, Figs. 1-6 kiosk at point of sale, PC, or other computer and Zuiff et al, pg 5, lines 18-22, “Once inside the kiosk, the consumer scans a machine-readable symbol (e.g. a bar code) on one or more tags affix to the product such as a pair of shoes (or on a symbol embedded on the product itself) using the scanner 12 connected to the personal computer 14); and an ID information transmitter for transmitting the product ID

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information at a time of checkout (Zuiff et al, Figs. 1-6, kiosk at point of sale, PC, or other computer and Zuiff et al, pg 6 line 1-4, ...Consumer data comprising the merchandise data and demographic data is transmitted via a computer link such as the Internet to a data management center for storage, collation, analysis and distribution); and a product provider server comprising: an ID information receiver for receiving the product ID information from the retail terminal (Consumer data comprising the merchandise data and demographic data is transmitted via a computer link such as the Internet 30 to a data management center 28 for storage, collation, analysis and distribution, Zuiff et al p.6 ln 1-4, and Zuiff et al Figs 1-6, data management center); a customer information receiver for receiving the product ID information read from the information storage media and customer information on a customer purchasing the product from a customer terminal of the customer (Consumer data comprising the merchandise data and demographic data is transmitted via a computer link such as the Internet 30 to a data management center 28 for storage, collation, analysis and distribution, Zuiff et al p.6 ln 1-4, and Zuiff et al Figs 1-6, data management center); a sales recognition unit (Zuiff et al Figs 1-6 data management center) for identifying the product ID information and the customer information received from the customer terminal as valid information when a same product ID information has arrived from the retail terminal (Zuiff et al Figs 1-6, kiosk at point of sale, PC, or other computer), and allowing provision of an incentive to the customer; and an information management unit for storing the product ID information and the customer information from the customer terminal in a relational structure and managing a provision status of incentives offered to

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the customer, depending on recognition of the sales recognition unit (Zuiff et al Figs 1-6, data management center and Zuiff et al pg 8 line 27 – pg 9 line 2 “The data management center can optionally determine the appropriate incentive data based upon the results of the game (whether consumer won or lost the game) and transmit that incentive data to the apparatus via the Internet. The data management center optionally encodes and the apparatus optionally provides “secure document” enabled incentive data resulting in a secure incentive document, coupon, or certificate using apparatus and techniques” and Zuiff et al pg 9 lines 5-7, “As a form of further incentive, the consumer is provided with access to content sites comprising information relevant to the merchandise PURCHASED”).

38. In general, Zuiff et al teaches that the customer data, comprising merchandizing and demographic data (product ID and consumer information), are transmitted from the customer terminal and received at a data management center (remote central computer or sale recognition unit) for permanent storage, collation (matching or validating by comparing), analysis and distribution (Zuiff et al p.6:8-17; p.7:6 to p.8:5).

39. In other words, Zuiff et al discloses validating the consumer data, that is the purchased product ID (product information) and the consumer (demographic or registration) information, received from the consumer (terminal).

40. Here, Zuiff et al does not expressly teach a system or method for validating the product ID (merchandise information) received from the customer (terminal) by comparing it to a product ID transmitted from the retail (POS) terminal,

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41. However, it is common practice in the art that a manufacturer (sales recognition unit) provides a delayed incentive (like a rebate) to a customer for purchasing a promoted product at a participating retailer (retail terminal). Upon receiving the purchased product information (including the Product ID) from the customer (terminal), which is compared, during a validation process, to the same product information (including the Product ID) transmitted from the retail terminal before the customer can receive the associated incentive, thereby reducing fraudulent activities in the system. (“Official Notice”)

42. **Therefore**, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the above disclosure (“Official Notice”) into the system of Zuiff so as to transmit by a retail terminal product information, (including a Product ID), related to a product purchased by a customer, to a data management center (remote central computer system or sales recognition unit) that is operable to compare the transmitted product information to a product information received from the customer (terminal) during a validation process before the customer receives an incentive related to the purchased product corresponding to the received product information (Product ID), **thereby** reducing fraudulent activities that are often associated with any incentive distribution and redemption system by preventing a dishonest individual, who may obtain a product without purchasing it, to improperly receive an incentive related to the product upon scanning by the individual using a scanner of the product UPC code (information storage media) or manually entering the alpha-numeric characters printed thereon using an input device coupled to the store kiosk or a home

computer (transmitter) and transmitting to the remote central computer system the product information, including the product ID information, and the central computer system (sales recognition unit) is operable to determine that the product information (product ID information) received from the customer (terminal) is the same as the product information (product ID information) transmitted from the retail terminal that is configured to transmit the product information to the central computer if and only if the customer purchases the required product so that a dishonest individual would not receive associated incentives, if he/she has not purchased the featured product as required by the manufacturer or vendor.

43. **As per claim 10**, Zuiff et al teaches the system according to claim 9 as described above, wherein in the retail terminal (Zuiff et al Figs 1-6, kiosk at point of sale, PC, or other computer) the ID information transmitter transmits store information on a retail store selling the product together with the product ID information to the product provider server (merchandise data, Zuiff et al, Figs. 1-6, data management center, particularly Figure 5, serial number of article/store id/selling price/arrival date in store and Zuiff et al page 5 lines 22-27, "The scanning of the symbol such as a bar code associated with the shoes provides the personal computer 14 with merchandise-specific data such as the manufacturer, style, product designation, model, size, store purchased, and date of the purchase as well as any other information encoded on the tags.")

44. **As per claim 11**, Zuiff et al teaches the system according to claim 10 as described above, wherein in the retail terminal (Zuiff et al Figs 1-6, kiosk at point of sale,

PC, or other computer) the ID information transmitter transmits sold date and time information of the product together with the product ID information to the product provider server (merchandise-specific data, Zuiff et al, Figs. 1-6, data management center and Zuiff et al page 5 lines 22-27, "The scanning of the symbol such as a bar code associated with the shoes provides the personal computer 14 with merchandise-specific data such as the manufacturer, style, product designation, model, size, store purchased, and date of the purchase as well as any other information encoded on the tags.")

45. **As per claim 12**, Zuiff et al teaches the system according to claim 9 as described above wherein the information storage media is a two-dimensional barcode (two-dimensional bar code, Zuiff et al, p 10 line 34).

46. **Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zuiff et al, WO 00/05668, and in view of The Wireless Revolution by Bob Trebilcock published in Modern Materials Handling, November 2002.**

47. **As per claim 17**, Zuiff et al teaches the information processing terminal according to claim 14, as stated above, wherein the information transmitter transmits the product ID information and the customer information to the server via a wireless telephone circuit (Consumer data comprising the merchandise data and demographic data is transmitted via a computer link such as the Internet 30 to a data management center 28 for storage, collation, analysis and distribution, Zuiff et al p.6 ln 1-4, and Zuiff et al Figs 1-6, kiosk at point of sale, PC, or other computer). Zuiff et al does not explicitly disclose wireless telephone circuit. However, the article, The Wireless

Revolution by Bob Trebilcock published in Modern Materials Handling, November 2002

teaches transmission of information to via wireless telephone circuit. “Warehouse management system (WMS) vendors are taking advantage of advances in wireless technology to extend access to the warehouse management systems over a Web-enabled cell phone or PDA running on DOS, Windows CE, or the Palm operating system.” See page 3 of NPL print-out, originally published- The Wireless Revolution, Modern Materials Handling, Boston: Nov 2002, Vol 57 Iss 13 pg 43- See also “While emerging wireless applications promise connectivity here, there, and everywhere, there are still dark holes in the supply chain, even with a wired warehouse and wireless access to the WMS from a PDA and cell phones.” See page 5 of NPL print out- originally published The Wireless Revolution, Modern Materials Handling, Boston: Nov 2002, Vol 57 Iss 13 beginning pg 43.

48. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a wireless telephone circuit to transmit information as disclosed by Trebilcock. One would have been motivated to use the wireless telephone circuit (cell phone/PDA) because cell phones/PDA allow for efficient communication so as to permit a customer to quickly transmit at least product ID information or other information so as to receive and take advantage of incentive programs.

Conclusion

49. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

50. US 20020167500 discloses a Smart electronic label employing electronic ink.

51. US 5963134 discloses an Inventory system using articles with RFID tags.

52. US 6507279 discloses complete integrates self-checkout system and method.

53. US 20020011933 discloses a security tag deactivation system.

54. Further, it was known and old to use the binary numbering system, assigning a meaning to "0" and to "1" as provided for by 2002-245319 JP, Sankyo Seiki MFG Co.

Ltd, provided for in Applicant's IDS, of which a translation of certain excerpts is

provided. Paragraphs 41 and 50 provide: "(0041) The point database 9 has the

validity/invalidity data of all the application numbers 2. For example, it has the

application number table 11 consisting of all application numbers 2 and application bits

10 corresponding to each of the application numbers 2 (See Fig. 7). For example, the

application number 2 whose bit 10 is "0" is valid and the application number 2 whose bit

10 is "1" is invalid. The initial value of the application bit 10 is set at "0" and, when the

application comes in, the application bit 10 of the corresponding application number 2 is

set to "1." Therefore, the application number 2 before the application came in is valid,

and the application number 2 that has been applied once becomes invalid; thereby

preventing the double input of application number 2.

55. (0050) Whether or not the application number is valid is determined, for

example, as follows (See flowchart of Fig. 8). The point database 9 examines the

application bit 10 of the corresponding application number 2 by referring to the application table 11 (Step 11). If the application bit 10 is "0" and the application number 2 is valid (Step 11: Yes), the database examines whether or not reception date of application number 2 is within the point service period by referring to the "effective service period data" in the product database 8 (Step 12). If it is within the effective service period (Step 12: Yes), the point database examines whether or not the application number 2 is included in the effective range by referring to the "effective application number data" (Step 13). If the application number 2 is included in the effective range (Step 13: Yes), the application number 2 is determined as valid (Step 14). In other cases (Step 11: No, Step 12: No, Step 13: No), the application number 2 is determined as invalid (Step 15). When the application number 2 is invalid, the portal site 1 requests the point database to display, for example, the error web page on the consumer terminal 5 not shown in the drawings. (Paragraphs 41 and 50 2002-245319 JP, Sankyo Seiki MFG Co. Ltd, provided for in Applicant's IDS, translated in excerpts by Akiko Smith, USPTO translator)

56. High-Tech Tags for Store Items May Ease Inventory, Raise Privacy Concerns by Doris Hajewski, Knight Ridder Tribune Business News, Washington: Feb 9, 2003 discloses the principle of a cash register writing data onto the tags that indicate that an item has been purchased. If an item was stolen, anyone attempting to return that item would be identified as possessing stolen merchandise.

57. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL STIBLEY whose telephone number is

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(571)270-3612. The examiner can normally be reached on Monday through Friday 7:30am to 5:00pm EST.

58. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on (571) 272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

59. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Stibley/
Examiner, Art Unit 4194
January 2, 2008

/Charles R. Kyle/

Supervisory Patent Examiner, Art Unit 4194

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